

AO 133 (Rev. 4/03) Bill of Costs

UNITED STATES DISTRICT COURT

Northern District of Mississippi

MICHAEL FORADORI, JR.

V.

BILL OF COSTS

CAPTAIN D'S, LLC

Case Number: 1:03CV669-MD

Judgment having been entered in the above entitled action on 10/13/05 against CAPTAIN D'S, LLC,
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	95.00
Fees for service of summons and subpoena	55.00
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	13,701.87
Fees and disbursements for printing	
Fees for witnesses (itemize on reverse side)	1,126.80
Fees for exemplification and copies of papers necessarily obtained for use in the case	1,814.28
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	
Other costs (please itemize)	
TOTAL	16,792.95

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Brad Dillard (counsel for Defendant, Captain D's, LLC)

Signature of Attorney: [Signature]

Name of Attorney: R. H. Burress, III

For: Michael Foradori, Jr.

Name of Claiming Party

Date: 10/27/05

Costs are taxed in the amount of _____ and included in the judgment.

Arlen B. Coyle
Clerk of Court

By: _____
Deputy Clerk

Date

WITNESS FEES (See 28 U.S.C. § 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE (\$40 per day)		SUBSISTENCE		MILEAGE \$0.50/mile		TOTAL
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Total Cost Each Witness
Melandus Penson, Tupelo, MS	1	\$40			112.5	\$45	\$85.00
Al Cannon, Tupelo, MS (check not cashed)	1	\$40			112.5	\$45	85.00
Peggy King, Tupelo, MS	1	\$40			112.5	\$45	85.00
Jerry Rhodes, Tupelo, MS	1	\$40			112.5	\$45	85.00
Jeffrey Knight, Brookhaven, MS (check not cashed)	1	\$40			511	220.30	\$244.30
Phil Purcell, Nashville, TN (check not cashed)	1	\$40			619	247.50	\$287.50
Jeremy Shells, Tupelo, MS	1	\$40			112.5	\$45	85.00
Jamison Shells, Tupelo, MS	1	\$40			112.5	\$45	85.00
Anthony Ferguson, Tupelo, MS	1	\$40			112.5	\$45	85.00
					TOTAL		\$1,126.80

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."